(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: **HON'BLE SHRI JAGDISH BHALLA, Ag.CJ. &**
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

Writ Appeal (PR) No. 2292 of 2007

WA - 146/07

APPELLANT: PETITIONER : Smt. Vijay Laxmi, Wd/o – Late Shri J.N. Singh, aged about 58 years, R/o – Ottalwar Bhawan, Tilak Nagar Chantapara, Bilaspur, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS :

1. State Bank Of India Through : The Chief General Manager, Head Office, Bhopal (M.P.)

2. State Bank of India Through : Lead Bank Officer, Bilaspur (C.G.)

Writ appeal under Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench), Act 2006

Present : Shri Vinay Pandey, counsel for the appellant.
Shri Sanjay K. Agrawal, learned counsel for the respondents.

ORAL ORDER
(Passed on 29th June, 2007)

The following oral order of the Court was passed by **Jagdish Bhalla, Ag. CJ.**

This writ appeal is directed against the judgment of Hon'ble Single Judge dated 06-02-2007 whereby the writ petition was dismissed.

The petitioner's husband was an employee of the respondent – bank left for heavenly abode in the year 1998. Thereafter the appellant – petitioner applied for the job with State Bank of India under the scheme wherein appointments are made on compassionate grounds. Her application was considered and rejected by an order dated 27-01-1999. Thereafter the appellant chose not to challenge the order on judicial side, made another representation, which according to the appellant is still pending and has not

been decided. Therefore, on the inaction of the authorities, the petitioner has approached this Court. Hon'ble Single Judge dismissed the writ petition filed by the appellant by a reasoned order. We would like to add that the representation made by the appellant after rejection of his application is not a statutory one.

Hon'ble Apex Court in the case of **State Bank of India and Others Vs. Jaspal Kaur**, reported in **2007(3) SCJ 448** held as under :

> "14. The High Court also failed to appreciate a well settled principle of law laid down by this Court in the case of *L.I.C. of India v. Asha Ramchhandra Amekar (Mrs) and another* (1994) 2 SCC 718, that the Court cannot order appointment on compassionate ground, *de hors* the provisions of the statutory regulations and instructions and that hardship of the candidate does not entitle him to compassionate appointment *de hors* the statutory provisions."

Further in light of the above judgment, this Court neither can sit in appeal against the view taken by the bank nor the incumbent has any statutory right for the appointment. We are in agreement with the view expressed by Hon'ble Single Judge. Accordingly, the writ appeal is dismissed. It is clarified that the dismissal of this appeal will not come in the way of the bank authorities to take any view on the representation made by the appellants.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subbu